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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/870,622
Filing Date: May 31, 2001
Appellant(s): BROUSSARD, SCOTT J.

Kevin L. Daffer (reg. 34,146)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11-7-2006 appealing from the Office action mailed 5-27-2004. The Examiner's Answer of 4-5-2005 has been vacated.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

09/870,615

09/870,620

09/870,621

09/870,624

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The Swing Connection, 2/98, Sun Microsystems, volume 3, no.4, swing version 1.0

- Introducing Swing, pages 1-7, hereinafter IS-SUN
- Mixing Heavy and Light Components, pages 1-13, hereinafter M-SUN

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Introducing Swing*, written by SUN, hereinafter is-SUN, and *Mixing heavy and light components* written by Amy Fowler, hereinafter m-SUN.

5. With regard to claim 1, IS-SUN teaches a system for the graphical display of an object created by an application program running under an operating system (see page 1, paragraph 1), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5). IS-SUN, however, doesn't teach a proxy component which associates the object with the graphics resource component and invokes methods of the graphics resource component to display the object, or a peer component, adapted to receive events pertaining to the object and route the events to the proxy. M-SUN teaches a method of implementing

swing components similar to that of IS-SUN, but further teaches a proxy component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2). It would have been obvious to one of ordinary skill in the art, having the teachings of IS-SUN and M-SUN before him at the time the invention was made to modify the swing component interface of IS-SUN to include the combinational properties as did m-SUN. One would have been motivated to make such a combination because swing components are themselves combinations of a lightweight component and a class library.

6. With regard to claims 2 and 10, which teach a system in which the peer component is independent of the operating system, and emulates the behavior of a second peer component that employs the windowing system of the operating systems, m-SUN further teaches, in page 2, paragraph 2, a ancestor peer which is independent of the operating system and a heavyweight peer which is employees the windowing system of the operating system.

7. With regard to claims 3 and 11, which teach that the object is part of a graphical user interface associated with the application program, IS-SUN further teaches, in page 1, paragraph 1, windowing components that are part of a graphically base program.

8. With regard to claims 4 and 12, which teach that the look and feel of a graphical user interface is independent of the operating system, IS-SUN further teaches, in page

1, paragraph 5, when the component "Metal" is used the same look and feel are used regardless of what operating system it is running on.

9. With regard to claims 5 and 13, which teach the application program being written in JAVA programming language, IS-SUN further teaches, in page 2, paragraph 7, programmers writing GUIs for there JAVA programs.

10. With regard to claims 6 and 14, which teach the proxy extends an existing class of software components belonging to the swing application program interface, IS-SUN further teaches, in page 1, paragraph 5 and page 6, paragraphs 1-5, that Metal is an extension of Swing.

11. With regard to claims 7 and 15, which teach the object being part of a layout, and the association of the object with the graphics resource component establishes a parent-child relationship between the layout and the graphics resource component, M-SUN further teaches in page 3, paragraph 4 and in page 4, paragraph 2, a parent child relationship between the object/layout and the graphical resource component in which mouse events of lightweight components fall through to the parent and mouse events on a heavyweight component do not fall through.

12. With regard to claims 8 and 16, which teach the parent-child relationship between the layout containing the object and the graphics resource component allows the graphics resource component to draw over an existing image of the object drawn with the aid of the windowing system of the operating system, M-SUN teaches, in page 4, paragraph 2 and page 6, paragraph 2 and the following picture, that if heavyweight

components are used it is possible for them to obscure what is drawn by the windowing system of the operating system.

13. With regard to claim 9, IS-SUN teaches a method for the graphical display of an object created by an application program running under an operating system (see page 1, paragraph 1), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5). IS-SUN, however, doesn't teach a proxy component which associates the object with the graphics resource component and invokes methods of the graphics resource component to display the object, or a peer component, adapted to receive events pertaining to the object and route the events to the proxy. M-SUN teaches a method of implementing swing components similar to that of IS-SUN, but further teaches a proxy component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2). It would have been obvious to one of ordinary skill in the art, having the teachings of IS-SUN and M-SUN before him at the time the invention was made to modify the swing component interface of IS-SUN to include the combinational properties as did M-SUN. One would have been motivated to make such a combination because swing components are themselves combinations of a lightweight component and a class library.

14. With regard to claim 17, IS-SUN teaches a computer-readable storage device comprising: a windows-based operating system (see page 1, paragraph 1), an application program running under the operating system (see page 1, paragraphs 1 and 5), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5). IS-SUN, however, doesn't teach a proxy component which associates the object with the graphics resource component and invokes methods of the graphics resource component to display the object, or a peer component, adapted to receive events pertaining to the object and route the events to the proxy. M-SUN teaches a method of implementing swing components similar to that of IS-SUN, but further teaches a proxy component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2). It would have been obvious to one of ordinary skill in the art, having the teachings of IS-SUN and M-SUN before him at the time the invention was made to modify the swing component interface of IS-SUN to include the combinational properties as did M-SUN. One would have been motivated to make such a combination because swing components are themselves combinations of a lightweight component and a class library.

(10) Response to Argument

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Introducing Swing*, written by SUN, hereinafter IS-SUN, and *Mixing heavy and light components* written by Amy Fowler, hereinafter M-SUN. This rejection is set forth in a prior Office Action, mailed on 5-27-04.

(11) Response to Argument

Patentability of claims 1-6, 9-14, and 17:

With respect to the claims including Claims 1-6, 9-14, and 17, the Appellant's arguments are focused on the limitations regarding the existence of peer and proxy components in the references. More specifically, as stated from representative Claim 1, the limitation argued is:

> *a proxy component, which associates the object with the graphics resource component and invokes methods of the graphic resource component to display the object; and*
>
> *a peer component, adapted to receive events pertaining to the object and route the events to the proxy component.*

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The Examiner asserts the limitation is broad, even as the claim defines a proxy component it only limits to an element the generates

an association between a graphic resource component (display data) and an object (data to be displayed), further the peer component seems to be an element that, responsive to an object, provides information to the proxy. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

> "*Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure*. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the references IS-SUN and M-SUN, are within the scope of these limitations.

IS-SUN teaches a system for the graphical display of an object created by an application program running under an operating system (see page 1, paragraph 1), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5).

M-SUN teaches a method of implementing swing components similar to that of IS-SUN, but further teaches a proxy component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2).

The examiner will now address the individual arguments and statements made by the Appellant.

From page 6 of the Appeal Brief, from the third paragraph, the Appellant argues IS-SUN "does not provide teaching or suggestion for a system, computer-readable storage devices, or method for graphical display of an object, where the system comprises a peer component which is adapted to receive events pertaining to eh object and route the events to a proxy component which associates the object with a graphic resource component and invokes methods thereof to display the object,in a manner independent from an operating system, as taught in present claims 1, 9, and 17".

The examiner contends that IS-SUN does show a system for the graphical display of an object created by an application program running under an operating system (see page 1, paragraph 1), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5). IS-SUN, is not relied upon for the teaching of a proxy component which associates the object with the graphics resource component and invokes methods of the graphics resource component to display the object, or a peer component, adapted to receive events pertaining to the object and route the events to the proxy. M-SUN teaches a method of implementing swing components similar to that of IS-SUN, but further teaches a proxy component

that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2).

From page 7 of the Appeal Brief, from the third paragraph, the Appellant argues "M-SUN also fails to provide teaching or suggestion for the presently claimed peer and proxy components".

The examiner contends that M-SUN does show a component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2).

From page 8 of the Appeal Brief, from the third paragraph, the Appellant argues "Since M-SUN fails to provide any solution of his own, M-SUN cannot be relied upon to disclose the presently claimed solution."

The examiner contends that though M-SUN appears to state a problem similar to that of the applicants background the claims as currently states do not limit any further than a component that generates an association between a graphic resource

component (display data) and an object (data to be displayed), and further a component that seems to be an element that responsive to an object provides information to the proxy.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., solution to the overlap problem) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

From page 9 of the Appeal Brief, from the third paragraph, the Appellant argues "'Swing class' cannot be considered to be a 'proxy component' as suggested by the Examiner, since 'Swing class' merely defines the properties and methods of a collection of Swing objects, where as a 'proxy component' actually function to associate an object with a graphics resource component and invoke the methods of the graphics resource component for displaying the object".

The examiner contends that M-SUN does show the swing component, which uses lightweight components (components that need no native resources of their own), borrowing screen resources from an ancestor (what the applicant refers to as a peer component, which is a similar component that uses the same display routines) (see M-SUN page 2, paragraphs 2-4). The Swing component acts as a proxy component by

defining an association between the object and the peer component with graphical resource data. A proxy can mean the process of an element that acts as a substitute for another element, which is effectively what Swing does, uses other elements to provide display data for a current object. Page 29 of the specification further defines a proxy component as an object that enables event routing.

From page 10 of the Appeal Brief, from the first paragraph, the Appellant argues "though a 'peer component' may be an 'ancestor' of some other object, merely stating so provides no evidence of the peer component being adapted to receive events pertaining to the object and to route the events to a proxy component".

The examiner contends that M-SUN does show the ancestor (peer component) receiving event data and routing the screen resource display data to the Swing class for further display (see M-SUN page 2, paragraphs 2-4). This is needed because the lightweight components of Swing do not have any native resources of their own.

From page 11 of the Appeal Brief, from the second paragraph, the Appellant argues "that it is improper to oversimplify and loosely interpret the presently claimed proxy component as a 'connecting element' since such interpretation is significantly more broad than allowed by the language used in claims 1, 9, and 17."

The examiner contents that the claim limits a proxy component to a component that associates an object with a resource and further invokes the resource component to display the object.

From page 11 of the Appeal Brief, from the third paragraph, the Appellant argues "There is no motivation to modify or combine the teachings of IS-SUN and M-SUN to provide the presently claimed peer and proxy components".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the M-SUN teaches the actual mixing of Swing and AWT, as taught by the applicant, IS-SUN, which is referenced to in the M-SUN article itself, is further relied upon for its further definition of the Swing class. The combination of these two references provides all the claimed subject matter of the application, as shown above.

From page 12 of the Appeal Brief, from the third and fourth paragraphs, the Appellant argues The Examiner has failed to adequately support and/or establish prima facie grounds of obviousness.

In response to applicant's argument that there is no suggestion or motivation to combine the references, and non teach the limitations of the claims, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Patentability of claims 7, 8, 15, and 16:

With respect to the claims including Claims 7 and 8, the Appellant's arguments are focused on the limitations regarding the object being part of a layout and the graphics resource component allowing the graphics resource component to draw over an existing image of the object drawn with the aid of the windowing system of the operating system. More specifically, as stated from representative Claims 7 and 8, the limitation argued is:

> *wherein the object is part of a layout, and the association of the object with the graphics resource component establishes a parent-child relationship between the layout and the graphics resource component.*
>
> *wherein the parent-child relationship between the layout containing the object and the graphics resource component allows the graphics resource component to draw over an existing image of the object*

drawn with the aid of the windowing system of the operating system.

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The Examiner asserts the limitation is limited to an object that has the ability to draw over anther object, such as a lightweight object over another lightweight object. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"*Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure*. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the references IS-SUN and M-SUN, are within the scope of these limitations.

The examiner will now address the individual arguments and statements made by the Appellant.

From pages 14 of the Appeal Brief, from the second paragraph, the Appellant argues "Because M-SUN clearly states that lightweight Swing objects 'will never appear on top' of heavyweight AWT objects, M-SUN cannot be relied upon to provide teaching or suggestion for the additional limitations set fourth in dependent claims 7, 8, 15, and 16".

The examiner contends that the claim does not limit that a lightweight Swing objects will be able to appear on top of heavyweight AWT objects, only one object upon another. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., lightweight Swing objects will be able to appear on top of heavyweight AWT objects) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

From page 14 of the Appeal Brief, from the third paragraph, the Appellant argues "There is no motivation to modify or combine the cited art to teach or suggest the presently claimed parent-child relationship".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the M-SUN teaches the actual mixing of Swing and AWT, as taught by the applicant, IS-SUN, which is referenced to in the M-SUN article itself, is further relied upon for its further definition

of the Swing class. The combination of these two references provides all the claimed subject matter of the application, as shown above.

From page 14 of the Appeal Brief, from the fourth paragraph, the Appellant argues "The Examiner has failed to adequately support and/or establish prima facie grounds of obviousness".

In response to applicant's argument that there is no suggestion or motivation to combine the references, and none teach the limitations of the claims, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dennis G. Bonshock
January 22, 2007

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